

2011 DRAFTING REQUEST

Assembly Joint Resolution

Received: **02/08/2012**

Received By: **smiller**

Wanted: **As time permits**

Companion to LRB:

For: **Chris Taylor 266-5342**

By/Representing: **patrick walsh**

May Contact:

Drafter: **smiller**

Subject: **Constitutional Amendments**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Taylor@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Multiple constitutional amendments, bill of rights

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 03/01/2012	csicilia 03/13/2012		_____			
/1			rschluet 03/13/2012	_____	lparisi 03/13/2012	mbarman 03/13/2012	

FE Sent For:

<END>

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FE Sent For:

<END>

Miller, Steve

From: Walsh, Patrick
Sent: Wednesday, February 08, 2012 11:16 AM
To: Miller, Steve
Subject: Drafting Request

— 4054

Attachments: New Bill of rights.doc; Ohio Constitutional References for their Initiative.doc

Steve, attached are two documents that pertain to adding additional language to the Wisconsin State Constitution. Please call if you have any questions.

Thank you.

Patrick Walsh
Legislative Aide
Office of Representative Chris Taylor
Patrick.Walsh@legis.wisconsin.gov
(608) 266-5342

2/8/2012

Bill of rights

1. Rights of Workers—new section

- a. Every public or private worker shall have the right to organize and collectively bargain any conditions of their employment.

2. Right of privacy—insert in Article 1, declaration of rights

- a. Includes right to marry
- b. Reproductive rights

3. Right to participate in legislative branch

- a. State shall take all necessary measures to ensure citizens have a right to participate in legislative and electoral process without barriers—Under Article 1, Sec. 3.
- b. Right to assemble and petition—
 - i. Right of citizens to participate in legislative and electoral process shall not be abridged. Add to Art. 1, sec. 4
- c. Legislature should be subjected to same open meetings law as other public bodies—Art 4, sec. 10
- d. All public spaces of the Capitol shall be open to all members of the public when the building is open except in a public emergency. Add to Art 4, sec. 10

4. Right to participate in electoral branch—Article III

- a. Section 1 add “State shall take no actions that abridge the right to vote”
Section 2—laws may be enacted for the following but in no event shall laws erect obstacles to people’s right to vote

“Every U.S. citizen age 18 or older who has resided in an election district or ward for 10 consecutive days before any election where the citizen offers to vote is an eligible elector. “

- ii. Shall require uniform and consistent voting procedures and standards throughout state

- iii. Require state funded automatic hand recount if results within .5%

- iv. Change Felony convictions to allow felons on probation/parole to vote

- c. Legislature shall establish a nonpartisan redistricting process

d. Government Accountability board is a separate constitutional agency under the jurisdiction of the Secretary of State—Art 6, sec 2

5. Right to an impartial judiciary. Add to Art 1, sec 4.

a. All deliberations of the State Supreme court should be subjected to open meetings laws. Add to Art 7, sec 4.

b. State Supreme Court shall be elected with public funds—add to art 7, sec. 4.

6. Each child has a Right to a quality, public education—Add new article

a. Superintendent of Public Instruction separate constitutional officer independent of the Executive—Add Art 10, sec. 1

b. Superintendent of Public Instruction can require minimal staffing levels and minimum funding for schools—Add to Art 10, sec 1.

c. Prohibit public funds from being appropriated to support sectarian schools

7. Environmental rights—Add to Art. 9, sec. 1

a. Every WI resident has the right to live in a clean, healthy environment, to drink safe water and breathe clean air.

b. Establish independent DNR secretary selected by Natural Resources Board

8. Fair taxation

a. State taxation system on individuals shall be fair and equitable and must be graduated and progressive—change to Art VIII, sec. 1

9. Right to health care—Add new section

a. Each resident shall have the right to access health care services

10. Right to initiative/referendum such as Ohio has. (Please see separate document on Ohio's process)

11. Corporate personhood

a. The state shall not recognize any constitutional rights asserted by corporations except as required by federal law, Art. 11, sec. 1

Ohio Constitutional References for their Initiative/Referendum Process

Competing initiatives

Ohio law provides that in the event that conflicting measures are approved, the measure with the most affirmative votes takes effect. The other measure does not become law. For example, in 2006, two ballot measures included competing restrictions on smoking. However, only one ultimately passed.

 *See law: Ohio Constitution, Article II, Section 1b*

Distribution requirements

For all measures, signatures must be gathered from 44 of Ohio's 88 counties. (For our purposes signatures should be gathered in all of Wisconsin's 72 counties) Petitioners must gather signatures equal to half the required percentage of the gubernatorial vote in each of the 44 counties. 5% for amendments, 1.5% for statutes, and 3% for referendums.


This requirement also applies to the second round of signatures needed to place a statute on the ballot once it has been rejected by the General Assembly.

 *See law: Ohio Constitution, Article II, Section 1g*

Deadlines for collection

See also: Petition drive deadlines; Circulation period

Ohio law does not limit how long a petition may be circulated. Signatures for an initiated statute must be filed at least 10 days prior to the legislative session. Supplemental signatures must be filed within 90 days of the General Assembly's rejection of the measure. Signatures for constitutional amendments must be filed 125 days prior to the general election.

 *See law: Ohio Constitution, Article II, Sections 1a & 1b*


Ballot title and summary

See also: Ballot title

In addition to a generic title (Issue 1, Issue 2, Issue 3...), each Ohio ballot measure also receives a descriptive title, a summary of the measure (approved prior to circulation), arguments for/against, and statements explaining a yes/no vote. However, not all of these appear on the ballot--the arguments for/against and the full text are published in

newspapers and made available online. The arguments for/against are typically prepared by the proponents and a group of opponents selected by the General Assembly. If these group do not prepare an argument, the duty falls to the Ohio Ballot Board, which also finalizes the ballot language.


- An example of final ballot language can be found here.

 **See law:** Ohio Constitution, Article II, Section 1g ; Ohio Constitution, Article XVI, Section 1 & Ohio Revised Code, Title XXXV, Chapter 3519.03

Supermajority requirements

See also: Supermajority requirements

In Ohio, each ballot measure requires a simple majority of the votes cast for/against it.

 **See law:** Ohio Constitution, Article II, Section 1b

Effective date


Ballot measures take effect 30 days after the election at which they are approved.

 **See law:** Ohio Constitution, Article II, Section 1b

Litigation

See also: Ballot measure lawsuit news


Challenges to any aspect of the initiative process should be filed in the Ohio Supreme Court. No challenge may be brought against an initiated measure less than 95 days before the election. An exception is made for challenges concerning signatures gathered in the 10-day period for submitting additional signatures. Any such challenge must be filed at least 55 days before the election. No challenge to the petition language or petition signatures may invalidate a measure once it has been approved by voters. The same protection applies to the ballot language prepared by the Ballot Board for legislatively-referred constitutional amendments.

 **See law:** Ohio Constitution, Article II, Section 1g & Ohio Constitution, Article XVI, Section 1

Legislative tampering


See also: Legislative tampering

The Ohio General Assembly may repeal or amend an initiated statute by a simple majority vote. Changes to initiated amendments must follow the ordinary legislative process (a three-fifths vote of both chambers).^[5]

 **See law:** Ohio Constitution, Article II, Section 1g & Ohio Constitution, Article XVI, Section 1

Re-attempting an initiative

Ohio does not limit how soon an initiative can be re-attempted.^[6]

 **See law:** Ohio Constitution, Article II, Section 1g & Ohio Constitution, Article XVI, Section 1

Article XVI of the Ohio Constitution addresses initiatives.

- **Article XVI, Ohio Constitution**

Additional Resources

<http://www.sos.state.oh.us/SOS/LegnAndBallotIssues/issues.aspx>

http://ballotpedia.org/wiki/index.php/Laws_governing_the_initiative_process_in_Ohio



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-4054/2

SRM1.....

g's

TODAY

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
2011 ASSEMBLY JOINT RESOLUTION

g's

1 **Relating to:** participation in the legislative and electoral process, the right to vote,
2 the right to an impartial judiciary, the right of privacy, the right to a quality
3 education, the right to health care services, voting rights for certain felons,
4 uniform voting procedures, mandatory recounting of ballots, the procedure for
5 legislative redistricting and congressional reapportionment, the establishment
6 of a state governmental accountability board, administration of election laws,
7 ethics laws, and lobbying laws, public access to the capitol, requiring the
8 legislature to enact laws requiring reasonable notice of and public access to
9 meetings of governmental bodies, including the legislature, and making
10 members of the legislature subject to citations and civil penalties for violations
11 of such laws, petition and referendum by the people to reject acts of the
12 legislature, open meetings of the supreme court, public funding of supreme
13 court elections, graduated and progressive taxation of individuals, the right to
14 a clean, healthy environment, safe drinking water, and clean air,

1 establishment of a board and a department of natural resources and the
2 appointment of the secretary of natural resources, independence of the
3 superintendent of public instruction, the authority of the superintendent of
4 public instruction to require minimum staffing levels and minimum funding
5 levels for public schools, appropriating public funds to support sectarian
6 schools, treatment of corporations as natural persons, and the right of workers
7 to organize and collectively bargain (first consideration).[✓]

Analysis by the Legislative Reference Bureau

This constitutional amendment, proposed to the 2011 legislature on first consideration, grants or affirms certain rights of the people, in the nature of a bill of rights.

PARTICIPATION IN THE LEGISLATIVE PROCESS

The amendment requires the legislature to ensure that the people may exercise their rights to participate in the legislative process.

THE RIGHT TO ASSEMBLE

The amendment requires the legislature to ensure that the people may exercise their rights to assemble and vote.

RIGHT TO AN IMPARTIAL JUDICIARY

The amendment guarantees the right of the people to an impartial judiciary.

RIGHT OF PRIVACY

The amendment guarantees the right to marry and reproductive rights.

RIGHT TO A QUALITY EDUCATION

The amendment creates a right to a quality education.

RIGHT TO HEALTH CARE SERVICES

The amendment creates a right to health care services.

THE RIGHT TO VOTE

The amendment prohibits the state from taking any action that abridges the right to vote and prohibits the legislature from erecting any obstacles to the right to vote.

ELIGIBLE ELECTOR AFTER TEN DAYS' RESIDENCE

The amendment creates a right to vote for any US citizen age 18 or older who has resided in an election district or ward for ten consecutive days immediately preceding an election.

VOTING RIGHTS FOR CERTAIN FELONS

The amendment allows felons who have been placed on probation or parole to vote.

UNIFORMITY OF VOTING STANDARDS AND PROCEDURES

The amendment requires that voting standards and procedures be uniform throughout the state.

MANDATORY RECOUNTS IN CLOSE ELECTIONS

The amendment requires a state-funded manual recount of the ballots in any election for public office in which the results are within one-half of one percent.

LEGISLATIVE AND CONGRESSIONAL REDISTRICTING

The amendment establishes a process for redrawing legislative and congressional districts. *changes the by which are redrawn*

The Wisconsin Constitution requires the legislature to redistrict legislative districts according to the number of inhabitants at its next session following each decennial federal census. The legislature also reapportions congressional districts pursuant to federal law.

This amendment creates a new procedure for the preparation of legislative and congressional redistricting plans. The amendment requires the Government Accountability Board (GAB) to develop standards for legislative and congressional districts based on population requirements under the Wisconsin Constitution and the U.S. Constitution and requirements of federal law governing voting rights (the Voting Rights Act at present). The amendment then directs the GAB to draw redistricting plans in accordance with the standards. Under the amendment, no later than January 1 of the second year following the decennial federal census, the GAB must create a plan of legislative and congressional districting. *board*

GOVERNMENT ACCOUNTABILITY BOARD ESTABLISHED

The amendment establishes a government accountability board to administer elections and the state ethics law.

PUBLIC ACCESS TO THE CAPITOL

The amendment guarantees public access to the capitol except in a public emergency.

OPEN MEETINGS LAWS APPLICABLE TO LEGISLATURE

The amendment requires the legislature to enact laws requiring reasonable

notice of and public access to meetings of governmental bodies, including the legislature, and making members of the legislature subject to citations and civil penalties for violations of such laws.

INITIATIVE AND REFERENDUM

The amendment creates a referendum process by which the people can reject an act of the legislature. This amendment provides that no act can become effective until 90 days after the governor files it in the office of the secretary of state. During that period, the people may file a petition for a referendum.

The amendment requires the legislature to establish a board to administer state elections. The petition for referendum must be filed with that board. Certain acts, such as those providing tax levies, acts expanding the rights of the people, and emergency acts, are exempt from referendum. Emergency acts must be so designated by the legislature and pass both houses on a two-thirds vote of all members.

Petitions must be signed by electors equaling 25 percent of the vote cast for the office of governor in the most recent election and filed with the elections board within 60 days after the governor files the act with the secretary of state.

After validating signatures on the petition, the elections board shall order a referendum at the next general election occurring at least 125 days after the filing of the petition with the board. No act, section, or item shall go into effect until a majority of those voting approve it. If the petition is against a portion of an act, the remainder of the act shall not be prevented from going into effect. No act, section, or item rejected in a referendum may be reenacted during the legislative session in which it was rejected.

OPEN DELIBERATIONS OF THE SUPREME COURT

The amendment requires that all deliberations of the supreme court shall be open to the public.

PUBLIC FUNDING FOR SUPREME COURT ELECTIONS

The amendment requires that justices of the supreme court shall use public funding to finance campaigns.

STATE INCOME TAXATION TO BE GRADUATED AND PROGRESSIVE

The amendment requires that state income taxation shall be graduated and progressive by deleting the legislature's authority to create reasonable exemptions.

RIGHT TO A CLEAN, HEALTHY ENVIRONMENT, SAFE DRINKING WATER, AND CLEAN AIR

The amendment creates a right to a clean, healthy environment, safe drinking water, and clean air.

CREATION OF A DEPARTMENT OF NATURAL RESOURCES, BOARD, AND SECRETARY

The amendment creates a department of natural resources and a board to oversee it. The board will appoint a secretary to administer the department.

SUPERINTENDENT OF PUBLIC INSTRUCTION TO BE INDEPENDENT

The amendment makes the superintendent of public instruction independent of the other offices in the executive branch.

MINIMUM STAFFING AND FUNDING LEVELS FOR PUBLIC SCHOOLS

The amendment authorizes the state superintendent of public education to set minimum staffing and funding levels for public schools.

PROHIBIT PUBLIC FUNDING OF SECTARIAN SCHOOLS

The amendment prohibits appropriation of public funds for support of sectarian schools.

TREATMENT OF CORPORATIONS AS PERSONS PROHIBITED

Under current state and federal law, corporations are treated as natural persons for some purposes. This constitutional amendment, proposed to the 2011 legislature on first consideration, restricts the state from recognizing any constitutional rights asserted by corporations, except as required by federal law.

WORKERS' RIGHTS TO ORGANIZE AND COLLECTIVELY BARGAIN

The amendment grants all employees the right to collectively bargain on the subjects of wages, hours, and working conditions.

PROCEDURE FOR PASSAGE

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

1

Resolved by the assembly, the senate concurring, That:

2

SECTION 1. Section 3 of article I of the constitution is amended to read:

3

[Article I] Section 3. Every person may freely speak, write and publish his

4

sentiments on all subjects, being responsible for the abuse of that right, and no laws

5

shall be passed to restrain or abridge the liberty of speech or of the press. In all

6

criminal prosecutions or indictments for libel, the truth may be given in evidence,

7

and if it shall appear to the jury that the matter charged as libelous be true, and was

8

published with good motives and for justifiable ends, the party shall be acquitted;

9

and the jury shall have the right to determine the law and the fact. The state shall

1 take all necessary measures to ensure that the people may exercise their rights to
2 participate in the legislative and electoral process without barriers.

3 **SECTION 2.** Section 4 of article I of the constitution is amended to read:

4 (4) [Article I] Section 4. The right of the people peaceably to assemble, to consult
5 for the common good, to vote, and to petition the government, or any department
6 thereof, shall never be abridged. The people have a right to an impartial judiciary.

7 **SECTION 3.** Section 27 of article I of the constitution is created to read:

8 (8) [Article I] Section 27. All persons have a right to privacy that shall include the
9 right to marry and the right to reproductive freedom.

10 **SECTION 4.** Section 28 of article I of the constitution is created to read:

11 [Article I] Section 28. Every child between the ages of 4 and 20 shall have the
12 right to a quality education.

13 **SECTION 5.** Section 29 of article I of the constitution is created to read:

14 [Article I] Section 29. Every person shall have the right to health care services.

15 **SECTION 6.** Section 1 of article III of the constitution is amended to read:

16 (16) [Article III] Section 1. Every United States citizen age 18 or older who is a ¹⁰
17 resident of has resided in an election district or ward in this state for ten consecutive
18 days immediately preceding an election is a qualified elector of that district or ward.
19 The state shall take no action that abridges the right to vote. III

20 **SECTION 7.** Section 2 (intro.) of article 3 of the constitution is amended to read:

21 [Article III] Section 2 (intro.) Laws that do not create any obstruction to voting
22 may be enacted:

23 **SECTION 8.** Section 2 (4) (a) of article III of the constitution is amended to read:

24 [Article III] Section 2 (4) (a) Convicted of a felony, unless restored to civil rights
25 or placed on probation or parole.

SECTION 9. Section 7 of article III of the constitution is created to read:

[Article III] Section 7. Voting standards and procedures shall be uniform throughout the state. In any election for public office, if the results are within one-half of one percent, the state shall provide a manual recount of the ballots.

SECTION 10. Section 3 of article IV of the constitution is renumbered section 3 (1) of article IV and amended to read: [Article IV] Section 3 (1)

~~At its~~ During the first legislative session after each enumeration made by the authority of the United States, the legislature government accountability board shall apportion and district anew the members of the senate and assembly, according to the number of inhabitants.

SECTION 11. Section 3 (2) of article IV of the constitution is created to read:

[Article IV] Section 3 (2) Within 120 days after receipt of the final census report of the population count by census block, the governmental accountability board shall adopt standards for legislative and congressional redistricting that comply with the Wisconsin Constitution and the U.S. Constitution and federal law governing voting rights.

SECTION 12. Section 3 (3) of article IV of the constitution is created to read:

[Article IV] Section 3 (3) Not later than January 1 of the 2nd year following the decennial federal census, the government accountability board shall create plans of legislative and congressional redistricting, prepared in accordance with standards developed by the government accountability board under sub. (2).

SECTION 13. Section 9 of article IV of the constitution is renumbered section 9 (1) of article IV.

SECTION 14. Section 9 (2) of article IV of the constitution is created to read:

(a) [Article IV] Section 9 (2) There is created a government accountability board consisting of 6 persons. Members shall serve for 6-year terms.

(b) (3) Members shall be appointed. The chief justice of the supreme court, in the presence of the other justices of the supreme court, shall ^{be} choose by lot one court of appeals judge from each of the court of appeals districts to serve on a nominating committee ^{for} ~~two~~ ² year terms expiring on March 1. The nominating committee shall forward nominations to the governor who shall make appointments to the board from those nominations. ^{and shall have been}

(c) (4) Each member of the board shall have served as a judge of a court of record in this state ^{who was} elected to ^{the position in which he or she served.} ^{that office}

(d) (5) No member may hold another office or position that is a state public office or a local public office except as a reserve judge.

(e) (6) No member, for one year immediately prior to the date of nomination may have been, or while serving on the board may become, a member of a political party.

(f) (7) No member, while serving on the board, may become a candidate for state office or local office.

(g) (8) No member, while serving on the board, and for 12 months prior to beginning that service, may make a contribution to a political campaign.

(h) (9) No member may be a lobbyist or be engaged in lobbying.

SECTION 15. Section 9 (3) of article IV of the constitution is created to read:

[Article IV] Section 9 (3) The government accountability board shall have exclusive jurisdiction to administer the state election laws, the state ethics laws, the state lobbying laws, and to redistrict the ^{legislative} ~~legislature~~ and congressional districts.

SECTION 16. Section 10 of article IV of the constitution is renumbered ^{section} 10 (1) and amended to read: ^{of article IV}

1 [Article IV] Section 10 (1) Each house shall keep a journal of its proceedings
2 and publish the same, except such parts as require secrecy. The doors of each house
3 shall be kept open except when the public welfare shall require secrecy. Neither
4 house shall, without consent of the other, adjourn for more than three days. All public
5 spaces of the capitol shall be open to the public when the building is open except in
6 a public emergency.

7 **SECTION 17.** Section 10 (2) of article IV of the constitution is created to read:

8 [Article IV] Section 10 (2) The legislature shall enact laws requiring
9 governmental bodies to conduct business in meetings that are held with reasonable
10 prior notice and accessible to the public and make these laws applicable to the
11 legislature. Notwithstanding section 8 of this article, courts of law may apply these
12 laws to the senate, the assembly, and other legislative bodies. Notwithstanding
13 section 15 of this article, members of the legislature are subject to citation and civil
14 penalties during a legislative session while a house is in recess for violations of such
15 laws.

16 **SECTION 18.** Section 17 (4) of article IV of the constitution is created to read:

17 [Article IV] Section 17 (4) No act passed by the legislature shall go into effect
18 until 90 days after the governor has filed it in the office of the secretary of state,
19 except as provided in sub. (5).

20 **SECTION 19.** Section 17 (5) of article IV of the constitution is created to read:

21 [Article IV] Section 17 (5) Acts or portions of acts providing only for tax levies,
22 acts or sections of enacted budgets that expand or promote the rights of the people,
23 and emergency acts necessary for the immediate preservation of the public peace,
24 health, or safety, shall go into effect on the date or dates provided in the acts and shall
25 not be subject to referendum. To be exempt from referendum, an emergency act must

portions of acts

1 receive the vote of two-thirds of all the members elected to each house of the
2 legislature, and the reasons for the necessity of the emergency act ^{e must} shall be set forth
3 in one section of the act, which section ^{e must} shall be passed ^e only upon a separate roll call
4 vote.

5 **SECTION 20.** Section 17 (6) of article IV of the constitution is created to read:

6 [Article IV] Section 17 (6) The electors may petition for a referendum on ^e the
7 ^e passage of ^{of an act} any act, section, or item of appropriation ^{in an act} except as provided in sub. (5).

8 The petition for a referendum shall be signed by electors equaling at least 25 percent
9 of the vote cast for the office of governor at the last preceding election and shall be
10 filed with the board administering state elections within 60 days after the governor
11 files the act with the secretary of state. ^{government accountability board}

12 **SECTION 21.** Section 17 (7) of article IV of the constitution is created to read:

13 [Article IV] Section 17 (7) After verifying the sufficiency of the signatures, the
14 board administering state elections shall order ^{e to be submitted} the submission to the electors of the
15 state for their approval or rejection, ^e of the act, section of the act, or ^e any item ^{of a appropriation} in the
16 act specified in the petition, at the ^{e first} next succeeding general election occurring
17 subsequent to 125 days after the filing of ^{e the} such petition.

18 **SECTION 22.** Section 17 (8) of article IV of the constitution is created to read:

19 [Article IV] Section 17 (8) No such act, section, or item subject to referendum
20 shall go into effect until and unless approved by a majority of those voting upon the
21 same. If, however, a referendum petition is filed against any such section or item,
22 the remainder of the act shall not thereby be prevented or delayed from going into
23 effect.

24 **SECTION 23.** Section 17 (9) of article IV of the constitution is created to read:

Candidates
for the office
of justice

finance their election
campaigns

1 [Article IV] Section 17 (9) No act, section, or item rejected in a referendum may
2 be reenacted during the legislative session in which it was rejected.

3 **SECTION 24.** Section 4 (1) of article VII of the constitution is amended to read:

4 [Article VII] Section 4 (1) The supreme court shall have 7 members who shall
5 be known as justices of the supreme court. Justices shall be elected for 10-year terms
6 of office commencing with the August 1 next succeeding the election. Only one justice
7 may be elected in any year. Justices shall be elected with public funding. Any 4
8 justices shall constitute a 'quorum for the conduct of the court's business. All
9 deliberations of the supreme court shall be open to the public.

10 **SECTION 25.** Section 1 of article VIII of the constitution is amended to read:

11 [Article VIII] Section 1 The rule of taxation shall be uniform but the legislature
12 may empower cities, villages or towns to collect and return taxes on real estate
13 located therein by optional methods. Taxes shall be levied upon such property with
14 such classifications as to forests and minerals including or separate or severed from
15 the land, as the legislature shall prescribe. Taxation of agricultural land and
16 undeveloped land, both as defined by law, need not be uniform with the taxation of
17 each other nor with the taxation of other real property. Taxation of merchants'
18 stock-in-trade, manufacturers' materials and finished products, and livestock need
19 not be uniform with the taxation of real property and other personal property, but
20 the taxation of all such merchants' stock-in-trade, manufacturers' materials and
21 finished products and livestock shall be uniform, except that the legislature may
22 provide that the value thereof shall be determined on an average basis. Taxes may
23 also be imposed on incomes, privileges and occupations, which taxes ~~may~~ shall be
24 graduated and progressive, ~~and reasonable exemptions may be provided.~~

*of article IX**section*

SECTION 26. Section 1 of article IX of the constitution is renumbered ¹(Intro.)

and amended to read:

[Article IX] Section 1 ⁽¹⁾(Intro.) The state shall have concurrent jurisdiction on all

4 rivers and lakes bordering on this state so far as such rivers or lakes shall form a
5 common boundary to the state and any other state or territory now or hereafter to
6 be formed, and bounded by the same; and the river Mississippi and the navigable
7 waters leading into the Mississippi and St. Lawrence, and the carrying places
8 between the same, shall be common highways and forever free, as well to the
9 inhabitants of the state as to the citizens of the United States, without any tax,
10 impost or duty therefor. Every person shall have the right to a clean, healthy
11 environment, safe drinking water, and clean air.

SECTION 27. Section 1 (2) of article IX of the constitution is created to read:

[Article IX] Section 1 (2) There is created a department of natural resources to
14 oversee the laws for the protection, development, and use of forests, fish and game,
15 lakes, streams, plant life, flowers, and other outdoor resources of this state. The
16 department shall be overseen by a board of natural resources of ⁵five members to be
17 appointed by the governor, the attorney general, the superintendent of public
18 instruction, the state treasurer, and the secretary of state, respectively. Board
19 members shall serve at the pleasure of their appointing authority. The board shall
20 appoint the secretary of natural resources who shall administer ^{e the}a department of
21 natural resources.

SECTION 28. Section 1 of article X of the constitution is amended to read:

²³[Article X] Section 1. The supervision of public instruction shall be vested in a
24 state superintendent and such other officers as the legislature shall direct; and their
25 qualifications, powers, duties and compensation shall be prescribed by law. The

1 state superintendent shall be chosen by the qualified electors of the state at the same
2 time and in the same manner as members of the supreme court, and shall hold office
3 for 4 years from the succeeding first Monday in July. The state superintendent shall
4 be independent of the other officers of the executive branch. The term of office, time
5 and manner of electing or appointing all other officers of supervision of public
6 instruction shall be fixed by law. The state superintendent shall have the authority
7 to require minimum staffing levels and minimum funding levels for public schools.

8 **SECTION 29.** Section 3 of article X of the constitution is amended to read:

9 [Article X] Section 3. The legislature shall provide by law for the establishment
10 of district schools, which shall be as nearly uniform as practicable; and such schools
11 shall be free and without charge for tuition to all children between the ages of 4 and
12 20 years; and no sectarian instruction shall be allowed therein; but the legislature
13 by law may, for the purpose of religious instruction outside the district schools,
14 authorize the release of students during regular school hours. Public funds shall not
15 be appropriated to support sectarian schools.

16 **SECTION 30.** Section 1 of article XI of the constitution is amended to read:

17 [Article XI] Section 1. Corporations without banking powers or privileges may
18 be formed under general laws, but shall not be created by special act, except for
19 municipal purposes. All general laws or special acts enacted under the provisions of
20 this section may be altered or repealed by the legislature at any time after their
21 passage. The state shall not recognize any constitutional rights asserted by
22 corporations except as required by federal law.

23 **SECTION 31.** Section 14 of article XIII of the constitution is created to read:

24 [Article XIII] Section 14. All employees shall have the right to collectively
25 bargain on the subjects of wages, hours, and working conditions.

SECTION 32. Numbering of new provisions. If another constitutional amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict and adjust any cross-references thereto.

Be it further resolved, That this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for three months previous to the time of holding such election.

(END)